

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITA LLC,
Petitioner,

v.

MACNEIL IP LLC,
Patent Owner.

IPR2020-01139
Patent 8,382,186 B2

Before MITCHELL G. WEATHERLY, MICHAEL L. WOODS, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. BACKGROUND

Yita LLC (“Petitioner”) filed a petition (Paper 3, “Pet.”) to institute an *inter partes* review of claims 1–7 (the “challenged claims”) of U.S. Patent No. 8,382,186 B2 (Ex. 1001, “the ’186 patent”). 35 U.S.C. § 311. MacNeil IP LLC (“Patent Owner”) timely filed a Preliminary Response. Paper 11

(“Prelim. Resp.”). With our prior authorization, Petitioner filed a Reply to the Preliminary Response, Paper 15 (“Reply”), and Patent Owner filed a Sur-reply in response to the Reply, Paper 16 (“Sur-reply”).

Institution of an *inter partes* review is authorized by statute when “the information presented in the petition filed under section 311 and any response filed under section 313 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.” 35 U.S.C. § 314(a).

Petitioner challenges the patentability of claims 1–7 as being obvious in view of the combined teachings of Rabbe,¹ Yung,² and Gruenwald.³ Pet. 27–81.

Upon consideration of the evidence and arguments in the Petition (including its supporting testimonial evidence) as well as the evidence and arguments in the Preliminary Response, Reply, and Sur-reply, for the reasons below, we determine that Petitioner demonstrates a reasonable likelihood that it will prevail with respect to at least one of the challenged claims. We thus institute *inter partes* review on all challenged claims under all asserted grounds. *See SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1354, 1359–60 (2018); *see also PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1360 (Fed. Cir. 2018) (interpreting the statute to require “a simple yes-or-no

¹ Certified English-language translation of French Patent Publication No. 2,547,252, published December 14, 1984 (Ex. 1005, “Rabbe”).

² U.S. Patent Publication No. 2002/0045029 A1, published April 18, 2002 (Ex. 1006, “Yung”).

³ G. Gruenwald, *Thermoforming: A Plastics Processing Guide*, Technomic Publishing Company, Inc. (2nd Ed. 1998) (Ex. 1007, “Gruenwald”).

IPR2020-01139
Patent 8,382,186 B2

institution choice respecting a petition, embracing all challenges included in the petition”); Patent Trial and Appeal Board Consolidated Trial Practice Guide, 64 (Nov. 2019) (“The Board will not institute on fewer than all claims or all challenges in a petition.”), available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf> (“Consolidated Guide”).

B. RELATED PROCEEDINGS

The parties identify the following matters as related:

- *MacNeil Auto. Prods. Ltd. et al. v. Yita LLC et al.*, No. 2:20-cv-00278 (WDWA);
- *MacNeil Auto. Prods. Ltd. et al. v. Jinrong (SH) Auto. Accessory Dev. Co., Ltd. et al.*, No. 2:20-cv-00856 (WDWA);
- IPR2020-01138, which also seeks review of the ’186 patent; and
- IPR2020-01140, which seeks review of the related U.S. Patent No. 8,833,834 B2 (the “’834 patent”); and
- IPR2020-01142, which also seeks review of the ’834 patent.

Pet. 81–82; Paper 6, 2.

C. REAL PARTIES-IN-INTEREST

Petitioner identifies itself, Jinrong (SH) Automotive Development Co., Ltd., ShenTian (SH) Industrial Development Co., Ltd, and Hong Kong Yita International Trade Company Limited as the real parties-in-interest.

Pet. 81. Patent Owner identifies itself, MacNeil Automotive Products Limited, and WeatherTech Direct, LLC as the real parties-in-interest.

Paper 6, 2.

D. THE ’186 PATENT

The ’186 patent is titled “Vehicle Floor Tray.” Ex. 1001, code (54). The Specification describes a vehicle floor tray that is thermoformed from a

polymer sheet of uniform thickness. *Id.* at code (57). The Specification explains a need for a removable floor tray that fits precisely within a vehicle's foot well so that it's more likely to remain in position during vehicle operation, thereby minimizing the chance that it occludes the gas, brake, or clutch pedal. *See id.* at 1:29–35, 2:4–8.

Figure 1, reproduced at right, illustrates vehicle floor tray (or cover) 100 that is designed to protect a vehicle's floor and lower sides of the foot well. *See id.* at 6:24–25. Floor tray 100 includes floor (or central panel) 102 with channels 104 disposed in forward region 106 of the panel. *Id.* at 6:27–31.

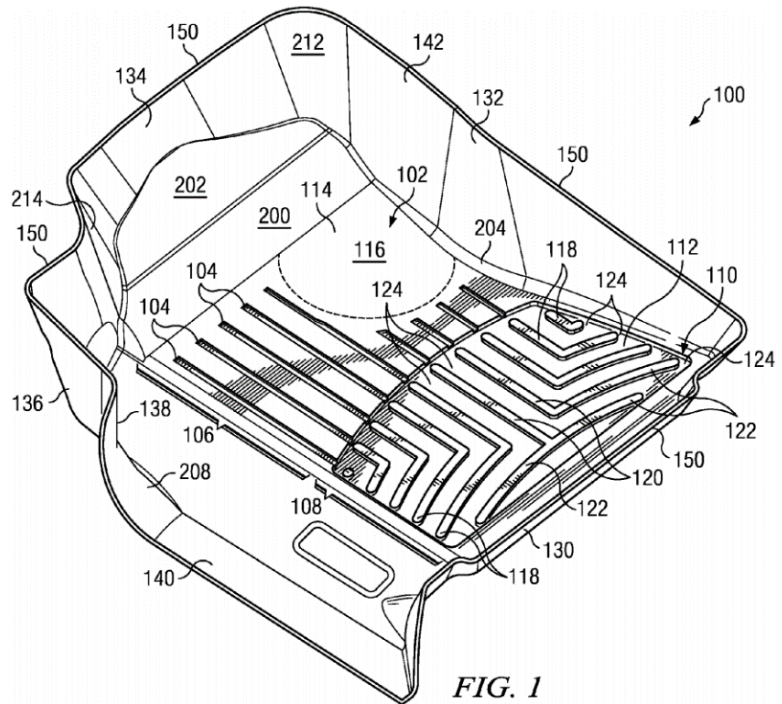


FIG. 1

Representative Claim 1, which is the only independent claim among the challenged claims, recites:

1. A vehicle floor tray thermoformed from a sheet of thermoplastic polymeric material of substantially uniform thickness, comprising:
 - [a] a central panel substantially conforming to a floor of a vehicle foot well,
 - [b] the central panel of the floor tray having at least one longitudinally disposed lateral side and at least one transversely disposed lateral side;
 - [c] a first panel integrally formed with the central panel of the floor tray, upwardly extending from the transversely disposed

lateral side of the central panel of the floor tray, and closely conforming to a first foot well wall,

[d] the first panel of the floor tray joined to the central panel of the floor tray by a curved transition;

[e] a second panel integrally formed with the central panel of the floor tray and the first panel, upwardly extending from the longitudinally disposed lateral side of the central panel of the floor tray, and closely conforming to a second foot well wall,

[f] the second panel of the floor tray joined to the central panel of the floor tray and to the first panel of the floor tray by curved transitions;

[g] a reservoir disposed in the central panel of the floor tray;

[h] a plurality of upstanding, hollow, elongate baffles disposed in the reservoir,

[i] each of the baffles having at least two ends remote from each other,

[j] the central panel, the first panel, the second panel, the reservoir and the baffles each having a thickness from a point on the upper surface to a closest point on the bottom surface thereof, said thicknesses, as a result of the tray being thermoformed from the sheet of thermoplastic polymeric material of substantially uniform thickness, being substantially uniform throughout the tray;

[k] the baffles each having a width, in any horizontal direction, of more than two times its thickness,

[l] the baffles adapted to elevate the shoe or foot of the occupant above fluid collected in the reservoir, and further adapted to impede lateral movement, induced by a change in vehicle speed or direction, of fluid collected in the reservoir,

[m] any portion of the reservoir connected to a remote portion of the reservoir by a path formed around ends of the baffles.

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