

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ONE WORLD TECHNOLOGIES, INC.
d/b/a TECHTRONIC INDUSTRIES POWER EQUIPMENT,
Petitioner,

v.

THE CHAMBERLAIN GROUP, INC.,
Patent Owner.

Case IPR2016-01772
Patent 7,224,275 B2

Before JONI Y. CHANG, JUSTIN T. ARBES, and
JON M. JURGOVAN, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

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

I. INTRODUCTION

One World Technologies, Inc. d/b/a Techtronic Industries Power Equipment (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–6, 9–12, and 14–23 (“the challenged claims”) of U.S. Patent No. 7,224,275 B2 (Ex. 1001, “the ’275 patent”). Paper 2 (“Pet.”). The Chamberlain Group, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Under 35 U.S.C. § 314(a), 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 stated below, we determine that Petitioner has not established a reasonable likelihood that it would prevail with respect to any of the challenged claims. We hereby decline to institute an *inter partes* review in this proceeding.

A. Related Matters

The parties indicate that the ’275 patent is involved in *The Chamberlain Group, Inc. v. Techtronic Industries Co. Ltd.*, Case No. 1:16-cv-06097 (N.D. Ill.) and other proceedings. Pet. 1–2; Paper 4, 2.

B. The ’275 Patent

The ’275 patent describes a movable barrier operator (e.g., a garage door opener) having a controller, movable barrier interface, and wireless status condition data transmitter. Ex. 1001, Abs., 2:57–61.

Figure 1 of the '275 patent is reproduced below.

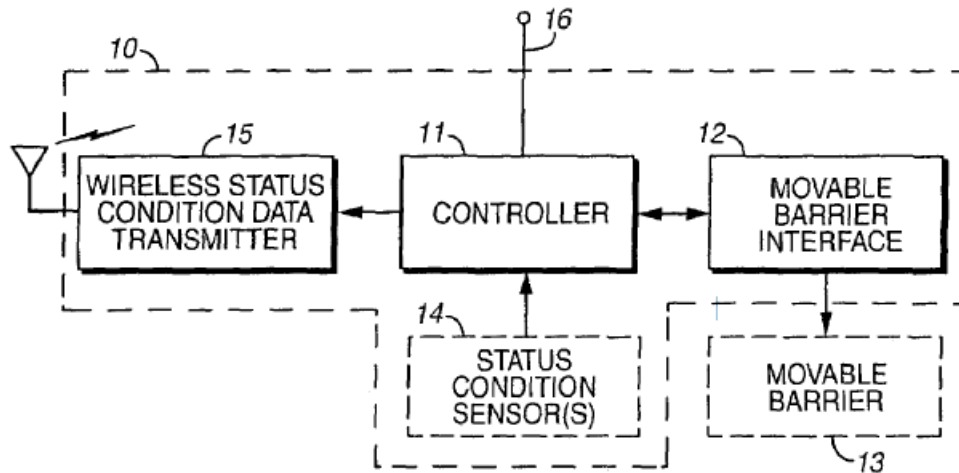


FIG. 1

As shown in Figure 1 of the '275 patent, movable barrier operator 10 includes controller 11, which is coupled to movable barrier interface 12 and wireless status condition data transmitter 15. *Id.* at 3:27–30. Movable barrier interface 12, which also is coupled to movable barrier 13, causes movable barrier 13 to move to a desired position (e.g., an opened or closed position) and/or restricts such motion. *Id.* at 3:36–53.

Controller 11 can have a plurality of potential operational status conditions, for example: moving the movable barrier in a first or second direction (e.g., towards a closed or an opened position); reversing movement of the movable barrier (e.g., to alter movement from a closed position and towards an opened position); and detecting a likely presence of an obstacle (e.g., a person or pet) in the likely path of movement of the movable barrier. *Id.* at 4:5–44. Controller 11 can be self-aware of the operational status conditions (e.g., controller 11 is aware that it has switched a given ambient

light fixture on or off) or controller 11 can be provided with externally developed information regarding the condition, using status condition sensors 14. *Id.* at 4:52–63.

Wireless status condition data transmitter 15 transmits a status condition signal that represents a present operational status condition of controller 11. *Id.* at 4:64–67. In a preferred embodiment, the transmission occurs automatically in response to when controller 11 detects at least one predetermined condition, or on a regular periodic basis. *Id.* at 4:67–5:7. The status condition signal reflects the actions being taken by controller 11 and/or the other operational conditions being experienced by controller 11. *Id.* at 5:24–37. The status condition signal can include an identifier that correlates uniquely to the controller and/or the movable barrier operator. *Id.* at 2:67–3:5.

C. Illustrative Claims

Of the challenged claims, claims 1 and 14 are independent. Claims 2–6 and 9–12 depend ultimately from claim 1; and claims 15–23 depend either directly or indirectly from claim 14. Claims 1–6 and 9–12 are directed to a movable barrier operator, whereas claims 14–23 are directed to a method.

Claims 1 and 14 are illustrative:

1. A movable barrier operator comprising:

a controller *having* a plurality of potential operational status conditions defined, at least in part, by a plurality of *operating states*;

a movable barrier interface that is operably coupled to the controller;

a wireless status condition data transmitter that is operably coupled to the controller, wherein the wireless status condition data transmitter *transmits a status condition signal* that:

corresponds to a *present operational status condition* defined, at least in part, by *at least two operating states* from the plurality of operating states; and

comprises an identifier that is at least relatively unique to the movable barrier operator, such that the status condition signal substantially uniquely identifies the movable barrier operator.

Ex. 1001, 8:5–8:21 (emphases added).

14. A method comprising:

at a movable barrier operator:

detecting at least one predetermined condition as corresponds to a present operational status defined, at least in part, by at least two operating states, of the movable barrier operator;

in response to detecting the at least one predetermined condition, automatically wirelessly *transmitting a status condition signal* that:

represents the *present operational status* defined, at least in part, by the *at least two operating states*; and

comprises an identifier that is at least relatively unique to the movable barrier operator, such that the status condition signal substantially uniquely identifies the movable barrier operator.

Id. at 9:24–38 (emphases added).

D. Prior Art Relied Upon

Petitioner relies upon the references listed below.

Menard US 2002/0183008 A1 Dec. 5, 2002 (Ex. 1003)

Tazumi US 6,392,537 B1 May 21, 2002 (Ex. 1007)

SPECIFICATION OF THE BLUETOOTH SYSTEM, *Wireless Connections Made Easy*, v1.0B (Dec. 1, 1999) (Ex. 1004, “the Bluetooth Specification”).

Chatschik Bisdikian, *An Overview of the Bluetooth Wireless Technology*, IEEE COMMUNICATION MAGAZINE, December 2001, at 86–94 (Ex. 1005, “the Bluetooth Article”).

MATTHEW S. GAST, 802.11 WIRELESS NETWORKS: THE DEFINITIVE GUIDE, 40–60, 411–417 (Mike Loukides & Matt Hutchinson eds., O’Reilly & Associates, Inc. 2002) (Ex. 1006, “the 802.11 Guide”).

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 3)¹:

Claims	Basis	Reference(s)
1–6, 9–12, and 14–23	§ 102(a), (e)	Menard
1–6, 9–12, and 14–23	§ 103(a)	Menard, the Bluetooth References, ² and the 802.11 Guide

¹ Because the claims at issue have a filing date prior to March 16, 2013, the effective date of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), we apply the pre-AIA versions of 35 U.S.C. §§ 102 and 103 in this Decision.

² In this Decision, we refer to the Bluetooth Specification and the Bluetooth Article, collectively, as the Bluetooth references.

Claims	Basis	Reference(s)
1–6, 9–12, and 14–23	§ 103(a)	Menard and Tazumi

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard as the claim interpretation standard to be applied in *inter partes* reviews). Under the broadest reasonable interpretation standard, claim terms generally 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. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes constructions for several claim terms. Pet. 8–18. Patent Owner disagrees with some of those proposed claim constructions, and argues that no construction is necessary for any claim term, as the words of the claims should be given their plain meaning. Prelim. Resp. 6–22. We note that only those claim terms that are in controversy need to be construed, and only to the extent necessary to resolve the controversy. *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). For

purposes of this Decision, we find it necessary to construe only the claim terms identified below.

“controller”

Claim 1 recites a movable barrier operator having a controller. Ex. 1001, 8:5–6. Petitioner proposes to construe “controller” as “any programmable platform, such as a microprocessor, microcontroller, programmable logic or gate array, or the like.” Pet. 9. Patent Owner does not dispute this proposed construction. Prelim. Resp. 6–22. We observe that Petitioner’s proposed construction is consistent with the Specification of the ’275 patent. Ex. 1001, 3:30–36. In light of the Specification, we construe the claim term “controller” to encompass “any programmable platform, such as a microprocessor, microcontroller, programmable logic or gate array, or the like.”

“controller having a plurality of potential operational status conditions”

Claim 1 recites “a controller having a plurality of potential operational status conditions defined, at least in part, by a plurality of operating states.” Ex. 1001, 8:5–8. Petitioner proposes to construe the claim language “controller having a plurality of potential operational status conditions” to mean:

a controller *that knows* a plurality of potential operational status conditions, e.g., where the plurality of operational status conditions can be self-generated by the controller or received from a sensor, user input, or from another device communicatively coupled to the controller.

Pet. 9 (emphasis added).

Patent Owner disagrees with that proposed claim construction because it essentially replaces the claim term “having” with “knowing.” Prelim. Resp. 7–20. According to Patent Owner, the language recited in claim 1 should be given its plain and ordinary meaning. *Id.*

There is a presumption that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002). To overcome this presumption, the patentee must “clearly set forth” and “clearly redefine” a claim term away from its ordinary meaning. *Bell Atlantic Network Servs., Inc. v. Covad Commc’ns Grp., Inc.*, 262 F.3d 1258, 1268 (Fed. Cir. 2001). The disavowal must be “unmistakable” and “unambiguous.” *Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1322 (Fed. Cir. 2012).

Here, Petitioner’s proposed claim construction is inconsistent with the plain and ordinary meaning of the claim language. As Patent Owner notes, by using the possessive term “having,” the language recited in claim 1 unambiguously references *the controller’s* potential operational status conditions. Prelim. Resp. 8. The claim language makes clear that *the controller* itself has the potential operational status conditions, not any *other component*.

Petitioner’s proposed claim construction also is inconsistent with the Specification of the ’275 patent, which describes that, typically, the controller “will *have* a plurality of potential operational status conditions.” Ex. 1001, 4:5–6 (emphasis added). The Specification further provides specific examples of potential operational status conditions that the

controller might *have*. *Id.* at 4:6–44 (“For example, the controller 11 might *have* two or more of the following potential operational status conditions: moving the movable barrier in a first direction . . . detecting a likely presence of an obstacle . . . a lighting status change (as when, for example, the controller switches ambient lighting in a garage). . . .”).

We are not persuaded by Petitioner’s argument that Patent Owner’s expert in the district court proceeding testified that the term “having” means the controller “knows” the garage door opener’s present operational status conditions. Pet. 9–10 (citing Ex. 1010, 533:2–6, 140:10–16, 531:10–532:2, 538:19–23). “[W]hile extrinsic evidence can shed useful light on the relevant art, . . . it is less significant than the intrinsic record in determining the legally operative meaning of the language.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1317 (Fed. Cir. 2005) (en banc). On this record, Petitioner does not identify, nor can we find, any portion of the Specification or prosecution history that unambiguously defines the term “having” as “knowing.” Accordingly, we agree with Patent Owner that the claim language should be given its plain and ordinary meaning.

To be clear, we do not construe “controller” to require that the controller be “self-aware” or to prohibit the controller from “rely[ing] upon any external sensors to obtain status conditions.” As our reviewing court has determined in connection with the related district court proceeding that involves the same patent as here, “[c]laim 1 neither recites nor requires a ‘self-aware controller,’” and “[t]he written description of the ’275 patent makes clear that the controller can obtain the operational status conditions

through self-awareness or through externally-developed information, *e.g.*, sensors.” *The Chamberlain Grp., Inc., v. Techtronic Indus. Co. Ltd.*, No. 2016-2713, 2017 WL 360561, at *4 (Fed. Cir. Jan. 25, 2017) (citing the ’275 patent, Ex. 1001, 2:56–64, 4:52–59, 6:33–36).³ Our interpretations herein are consistent with the Federal Circuit’s decision.

Petitioner’s reliance on claims 2 and 5 to support its proposed claim construction also is misplaced. *See* Pet. 11–12. Petitioner’s argument improperly rests on the premise that having a sensor operably coupled to the controller supports its proposed construction that replaces “having” with “knowing.” As our reviewing court in *Chamberlain* explains, the use of the terms “having” and “potential” in claim 1 does not limit the claim to a self-aware controller. *Chamberlain*, 2017 WL 360561, at *4 (noting that “the written description explains that, typically, ‘the controller 11 will *have* a plurality of *potential* operational status conditions,’” Ex. 1001, 4:5–6 (emphases added by the Court) and “[t]his statement is not limited to self-aware controller embodiments”). Accordingly, claims 2 and 5 do not support Petitioner’s proposed claim construction.

For the foregoing reasons, we decline to adopt Petitioner’s proposed claim construction, but rather give the claim term “controller having a

³ The Federal Circuit vacated the district court’s preliminary injunction because the district court’s incorrect construction was the sole basis for determining that the defendants have not raised a substantial question of invalidity. *Chamberlain*, 2017 WL 360561, at *6.

plurality of potential operational status conditions” its plain and ordinary meaning.

“a present operational status condition”

Claim 1 recites “transmit[ing] a status condition signal that[] corresponds to a *present operational status condition* defined, at least in part, by at least two operating states from the plurality of operating states.” Ex. 1001, 8:11–21 (emphases added). Claim 14 recites a similar limitation, except reciting “a present operational status,” instead of a “present operational status condition.” *Id.* at 9:33–34. Petitioner confirms that “a present operational status condition” and “a present operational status” have no meaningful difference, as both terms are defined, at least in part, by at least two operating states. Pet. 14.

Petitioner proposes to construe the claim language “operational status condition defined, at least in part, by at least two operating states” as “a status of *any operation* that has two or more potential operating states.” *Id.* (emphasis added). As support, Petitioner argues that the Specification discloses that “operational status conditions” can include, for example, “moving the movable barrier,” “detecting a likely presence of an obstacle,” or “a lighting status change.” *Id.* 14–15 (citing Ex. 1001, 4:9–45). Petitioner takes the position that “moving a movable barrier” is the *status of a door* moving operation, and that “a light status change” is a *condition of a light* that has the operating states of (1) light on and (2) light off. *Id.* at 14.

However, that portion of the Specification relied upon by Petitioner does not support Petitioner’s proposed claim construction. In fact, those

examples in the Specification are examples of potential operational status conditions *of the controller*, not the operating states of *other components* (e.g., the door or light), as alleged by Petitioner (*id.*). Ex. 1001, 4:5–45 (“[T]he *controller 11* will have a plurality of *potential operational status conditions*,” and “[f]or example, the *controller 11* might have two or more of the following *potential operational status conditions*: moving the movable barrier in a first direction . . . a lighting status change . . .”). Notably, the Specification explains that “a light status change” is an operation performed by the controller—“(as when, for example, *the controller* switches ambient lighting in a garage to an off condition a predetermined period of time following closure of the movable barrier).” *Id.* at 4:32–35 (emphasis added).

Petitioner’s reliance on extrinsic evidence that was generated at the time of, and for the purpose of, litigation also is misplaced. Pet. 14–15 (citing Ex. 1011 ¶ 40; Ex. 1010, 113:3–12, 118:18–22). As our reviewing court has explained, “extrinsic evidence may be used only to assist in the proper understanding of the disputed limitation; it may not be used to vary, contradict, expand, or limit the claim language from how it is defined, even by implication, in the specification or file history.” *Bell Atl. Network Servs. v. Covad Commc’ns Grp.*, 262 F.3d 1258, 1269 (Fed. Cir. 2001). “Apart from the claim language itself, the specification is the single best guide to the meaning of a claim term.” *AIA Eng’g Ltd. v. Magotteaux Int’l S/A*, 657 F.3d 1264, 1272 (Fed. Cir. 2011) (internal quotations and citation omitted); *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1328 (Fed. Cir. 2008)

(“[W]hile helpful, extrinsic sources . . . cannot overcome more persuasive intrinsic evidence.”).

More importantly, Petitioner’s proposed construction is inconsistent with the claim language itself, which requires “a *present* operational status condition,” not a status of *any operation*. We decline to adopt a claim construction that would ignore the word “present” in the claim term. “A claim construction that gives meaning to all the terms of the claim is preferred over one that does not do so.” *Merck & Co., Inc. v. Teva Pharms. USA, Inc.*, 395 F.3d 1364, 1372 (Fed. Cir. 2005) (citing *Elektro Instrument S.A. v. O.U.R. Sci. Int’l, Inc.*, 214 F.3d 1302, 1307 (Fed. Cir. 2000)).

In addition, we agree with Patent Owner that “a present operational status condition” is a condition that the controller *has*, and that it is related to operations being performed by the controller at the present time. Prelim. Resp. 20, 29. As the Specification explains, “the wireless status condition data transmitter 15 serves to transmit a status condition signal that represents a present operational status condition *of the controller 11*.” Ex. 1001, 4:64–67 (emphasis added). The Specification also discloses that the status condition signal “simply reflects the *actions being taken by the controller 11* and/or the other *operational conditions being experienced by the controller 11*.” *Id.* at 5:33–36 (emphases added).

For the foregoing reasons, we decline to adopt Petitioner’s proposed claim construction. Rather, in light of the Specification, we construe “a present operational status condition” as “a present status condition of the controller’s operation.”

B. Principles of Law

To establish anticipation, each and every element in a claim, arranged as recited in the claim, must be found in a single prior art reference. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008).

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

C. Level of Ordinary Skill in the Art

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC, Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (citation omitted). Petitioner alleges that a person with ordinary skill in the art “would have had at least an undergraduate degree in electrical engineering, or equivalent education, and one to two years of work

experience in the fields of: wireless communication systems, sensors for security systems or appliance monitoring, and systems for access control or automated door systems, or equivalent work experience or training.” Pet. 8 (citing Ex. 1008 ¶ 30). Patent Owner does not dispute Petitioner’s statement regarding the level of ordinary skill in the art. Based on the current record, we apply Petitioner’s proposed level of ordinary skill in the art for purposes of this Decision. We further note that the prior art of record in the instant proceeding reflects the appropriate level of ordinary skill in the art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1354–55 (Fed. Cir. 2001) (“the prior art itself reflects an appropriate level” of ordinary skill in the art).

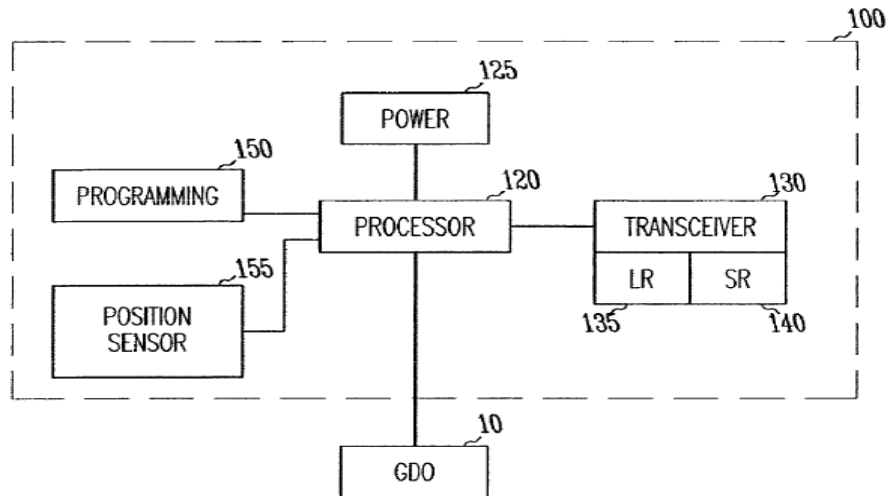
D. Anticipation by Menard

Petitioner asserts that claims 1–6, 9–12, and 14–23 are unpatentable under 35 U.S.C. §§ 102(a) and (e) as anticipated by Menard. Pet. 2–3, 19–56. To support its contentions, Petitioner directs our attention to a Declaration of Mr. Stuart Lipoff. Ex. 1008. Patent Owner counters that Menard does not describe certain claim limitations. Prelim. Resp. 22–32.

For the reasons provided below, we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing on its assertion that claims 1–6, 9–12, and 14–23 are anticipated by Menard. We begin our discussion with a brief summary of Menard, and then we address the relevant contentions advanced by the parties in turn.

Menard

Menard describes a wireless system for controlling and monitoring a power door. Ex. 1003 ¶ 1. Figure 2 of Menard is reproduced below.



As shown in Figure 2 of Menard, system 100 is connected to garage door opener (“GDO”) 10. System 100 includes processor 120, programming 150, position sensor 155, and transceiver 130. *Id.* ¶¶ 21–26.

Analysis

Claim 1 requires wireless transmission of a status condition signal that “corresponds to a *present operational status condition* defined, at least in part, by *at least two operating states* from the plurality of operating states.” Ex. 1001, 8:11–17 (emphases added). Claim 14 requires a similar limitation. *Id.* at 9:25–34. By virtue of their dependency, all other challenged claims, claims 2–6, 9–12, and 13–23, each require the aforementioned limitation.

Petitioner takes the position that Menard describes this limitation, arguing that Menard discloses a system (a movable barrier operator), which includes a garage door opener (a movable barrier interface), a processor

(a controller), a position sensor, and a transceiver (a wireless status condition data transmitter). Pet. 19–29. According to Petitioner, Menard describes that “the operational status condition regarding *the door’s position* is defined at least two operating states, namely door open or door closed.” *Id.* at 27, 30 (citing to Ex. 1008 ¶ 89) (emphasis added, original emphasis omitted).

Petitioner alleges that Menard’s processor “has or knows” a plurality of potential operational status conditions (e.g., door position; door open and obstruction present; door moving; temperature and lighting) that are each defined by a least two operating states. *Id.* at 22–27 (citing Ex. 1008 ¶¶ 75–76, 81, 85–90), 30, 47–49. Petitioner also contends that Menard discloses that information about any present operational status condition (which would include the condition of open door and obstruction present) can be transmitted wirelessly to a user device. *Id.* at 30–31, 48–49.

Patent Owner opposes, advancing several arguments. Prelim. Resp. 22–32. First, Patent Owner alleges that Petitioner’s argument is based on its improper claim construction, and argues that the term “present operational status condition” clearly relates the claimed operational status condition to operations being performed by the controller at the present time. *Id.* at 24, 29. Second, Patent Owner argues that the claims require a controller to transmit its own present operational status condition, as opposed to Menard’s processor that merely transmits information received from external sensors. *Id.* at 22–25. Finally, Patent Owner contends that the position of the door and the state of the light or HVAC (heating, ventilation and air conditioning) system, as described in Menard, are merely external

sensor readings, and do not describe a present operational status condition of *the alleged controller*. *Id.* at 24–26.

On this record, we agree with Patent Owner’s arguments (*id.* at 22–32) and determine that Petitioner fails to show Menard discloses wireless transmission of a status condition signal that “corresponds to a present operational status condition defined, at least in part, by at least two operating states,” as required by the challenged claims.

At the outset, for the reasons given in our claim construction analysis, we decline to adopt Petitioner’s construction that interprets “operational status condition defined, at least in part, by at least two operating states” as a “status of *any operation* that has two or more potential operating states.” Pet. 14 (emphasis added). Rather, we construe “a present operational status condition” as “a present status condition of the controller’s operation.”

We are not persuaded by Petitioner’s argument and Mr. Lipoff’s testimony that Menard describes the claimed “status condition signal” because “the operational status condition regarding *the door’s position* is defined at least two operating states, namely door open or door closed.” Pet. 27, 30 (citing to Ex. 1008 ¶ 89) (emphasis added, original emphasis omitted). Petitioner’s argument and Mr. Lipoff’s testimony conflate the status information regarding *the door* (e.g., the door’s position) with the present operational status condition of *the controller*, which is defined by at least two operating states of the controller (e.g., moving the door towards an opened or closed position). See Pet. 30; Ex. 1008 ¶¶ 89, 96. Notably, the door’s position (e.g., open or closed) indicates the status of the *door*. By

contrast, *moving* the door *towards* an open or closed position identifies an action being taken by the controller. Ex. 1001, 8:30–46. As recited in claim 5, for example, a plurality of operating states of the controller include: “moving a movable barrier in a first direction; . . . a lighting status change; . . . and receiving an operating parameter alteration signal.” *Id.* Indeed, each item on this list describes an action being taken by the controller.

As noted above, the Specification of the ’275 patent also explains that “the wireless status condition data transmitter 15 serves to transmit a status condition signal that represents *a present operational status condition of the controller 11.*” Ex. 1001, 4:64–67 (emphasis added). The Specification further discloses that a status condition signal reflects “the actions being taken by the controller and/or the other operational conditions being experienced by the controller.” *Id.* at 5:33–36. Contrary to Petitioner’s argument (Pet. 22, 30), the position of the door does not describe an operation of the controller, much less a present operational status condition of the controller.

More importantly, the portions of Menard cited by Petitioner do not support its argument, or Mr. Lipoff’s testimony, that “Menard discloses that information about any present operational status condition (which would include the condition of open door and obstruction present) can be transmitted wirelessly to a user device.” Pet. 30–31 (emphasis omitted) (citing Ex. 1003 ¶¶ 10, 11, 66, 69); Ex. 1008 ¶¶ 95–101. Indeed, those cited portions of Menard describe a transmission of status information of the door, light, and HVAC system, but not a present operational status condition of

the controller, as required by the challenged claims. Ex. 1003 ¶¶ 10–11 (“*Position information is transmitted* to the device by a transceiver coupled to the processor. Other information, such as *temperature or light levels*, may also be transmitted to the device.” (emphases added)), 66 (“Programming 150 may include instructions to cause processor 120 to transmit *position information*, or any other information, using all modes of communication.” (emphasis added)), 69 (“[The] *door position* information is received by the user.” (emphasis added)).

The following passage of Menard also does not support Petitioner’s argument or Mr. Lipoff’s testimony (Pet. 30–31; Ex. 1008 ¶¶ 95–101):

[I]f a garage door position sensor indicates that the door is in a raised position and an obstruction in the path of the garage door travel is detected by an optical sensor, then a signal received by the processor requesting the door to be closed is met with programming requesting that the obstruction be cleared before the door will travel.

Ex. 1003 ¶ 25. Notably, a request “that the obstruction be cleared before the door will travel” does not expressly, implicitly, or inherently disclose a transmission of a status condition signal that corresponds to a present operational status condition of the controller that is defined by at least two operating states. Petitioner does not explain specifically, and it is not apparent to us, how Menard describes such a transmission. See Pet. 30–31; Ex. 1008 ¶¶ 95–101. In regard to this passage, Petitioner merely states that Menard discloses “*detecting* an operational status condition that is defined by the operating states of two *different* components.” Pet. 30 (first emphasis added); Ex. 1008 ¶ 97. However, “detecting” is not “transmitting.” It is

unclear what information, if any, beyond the information regarding the presence of an obstruction, is being transmitted with the request. The presence of an obstruction is not an operating state of *the controller*, let alone a present operational status condition of the controller that is defined by at least two operating states.

Finally, to the extent that Petitioner argues that “the condition of open door and obstruction present” is a present operational status condition of *the controller* (*id.* at 30–31), Petitioner’s argument improperly rests on the premise that the position of the door and the presence of an obstruction describe two operating states of *the controller*. As discussed above, the position of the door is status information regarding *the door*, but it does not describe an operating state of *the controller*. Likewise, the presence of an obstruction does not describe an operating state of *the controller*. In short, “the condition of open door and obstruction present” does not describe a present operational status condition of the controller that is defined by at least two operating states.

For the foregoing reasons, we determine that Petitioner has not shown adequately that Menard describes wireless transmission of a status condition signal that “corresponds to a present operational status condition defined, at least in part, by at least two operating states,” as required by the challenged claims. Consequently, we conclude that Petitioner has not demonstrated a reasonable likelihood of prevailing on its assertion that claims 1–6, 9–12, and 14–23 are unpatentable as anticipated by Menard.

E. Obviousness over Menard in Combination with the Bluetooth References and the 802.11 Guide

Petitioner asserts that claims 1–6, 9–12, and 14–23 are unpatentable under 35 U.S.C. § 103(a) as obvious over Menard in combination with the Bluetooth references and the 802.11 Guide. Pet. 56–61. Petitioner relies upon the Bluetooth references and the 802.11 Guide to teach the limitations that require an identifier—e.g., “an identifier that is at least relatively unique to the movable barrier operator, such that the status condition signal substantially uniquely identifies the movable barrier operator,” as recited in claim 1. *Id.* However, Petitioner does not rely on these references for any teaching that would remedy the deficiencies discussed above in connection with the anticipation ground based on Menard. *Id.* Specifically, Petitioner relies on Menard alone for teaching wireless transmission of a status condition signal that “corresponds to a present operational status condition defined, at least in part, by at least two operating status,” as required by all of the challenged claims. *Id.*

For the same reasons discussed above, we determine that Petitioner has not established a reasonable likelihood of prevailing on its assertion that claims 1–6, 9–12, and 14–23 are unpatentable under § 103(a) as obvious over Menard in combination with the Bluetooth references and the 802.11 Guide.

F. Obviousness over Menard in Combination with Tazumi

Petitioner asserts that claims 1–6, 9–12, and 14–23 are unpatentable under 35 U.S.C. § 103(a) as obvious over Menard in combination with

Tazumi. Pet. 61–71. Patent Owner opposes, arguing that Petitioner fails to establish that the combination of Menard and Tazumi teaches or suggests certain limitations, and fails to articulate a sufficient reason why a person with ordinary skill in the art would have combined Tazumi with Menard. Prelim. Resp. 41–56. For the reasons provided below, we agree with Patent Owner that Petitioner has not demonstrated a reasonable likelihood of prevailing on its assertion that claims 1–6, 9–12, and 14–23 are unpatentable under § 103(a) as obvious over Menard⁴ in combination with Tazumi.

Tazumi

Tazumi describes a remote monitoring system for automatic door systems. Ex. 1007, Title. Figure 1 of Tazumi is reproduced below.

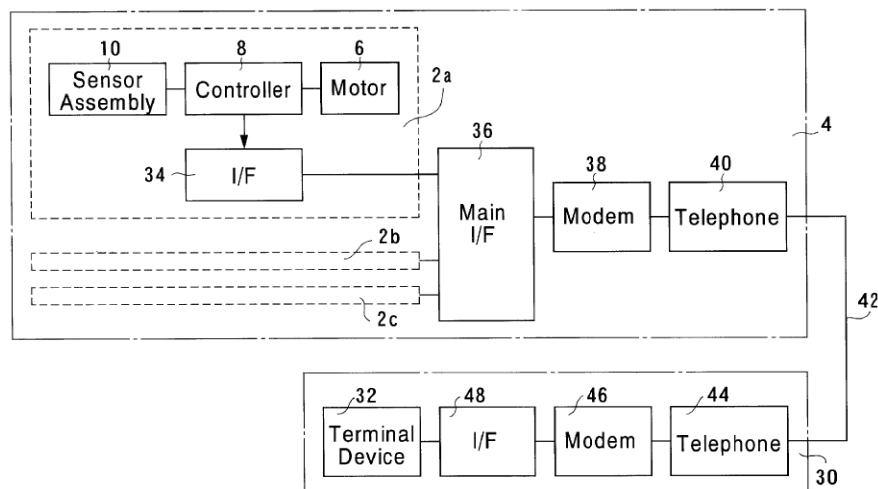


FIG. 1

Figure 1 of Tazumi illustrates a remote monitoring system for monitoring a plurality of automatic door systems 2a, 2b, and 2c. *Id.* at 5:42–

⁴ A brief summary of Menard is provided in our anticipation analysis above.

47. Each automatic door system 2a has an automatic door which selectively opens and closes a doorway formed in a wall of building 4. *Id.* at 5:48–51. Each automatic door system 2a also has motor 6, controller 8, assembly of sensors 10, and interface circuits 34. *Id.* at 5:56–62. If sensor 10 detects an object (e.g., a human) near the door, control unit 8 causes motor 6 to open the door. *Id.* at 5:60–6:4. When sensor 10 does not detect an object, control unit 8 causes motor 6 to close the door. *Id.*

Figure 2 of Tazumi is reproduced below.

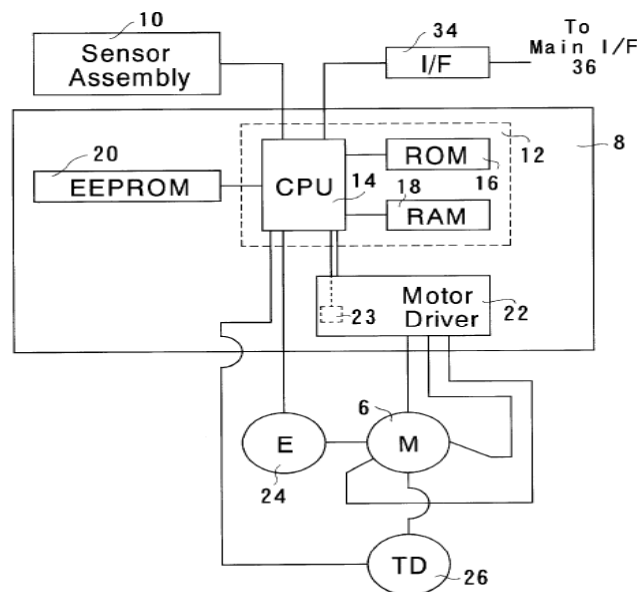


FIG. 2

As shown in Figure 2 of Tazumi, control unit 8 includes EEPROM 20, motor driver 22, and microprocessor unit 12, which includes CPU 14, ROM 16, and RAM 18. *Id.* at 6:5–11.

CPU 14 performs self-diagnosis, inspecting the door system for failures, such as failures in EEPROM 20, ROM 16, RAM 18, breakage of the belt, disconnection of lines interconnecting encoder 24 and CPU 24,

abnormality of the motor current, failure of any of the sensors in sensor assembly 10, and abnormality of motor 6. *Id.* at 6:37–45. When CPU 14 determines that a part fails to operate or malfunctions, CPU 14 transmits the failure information to terminal device 32 at maintenance station 30, shown in Figure 1. *Id.* at 7:3–7, Figs. 1, 3 (STEP S4). The failure information contains an ID code, a failure code, and a state code. *Id.* at 8:63–65, Fig. 5.

Analysis

For the reasons given above in our anticipation analysis, Petitioner has not shown sufficiently that Menard describes wireless transmission of a status condition signal that “corresponds to a *present operational status condition* defined, at least in part, by *at least two operating states*,” as recited in claims 1 and 14, and required by all other challenged claims (claims 2–6, 9–12, and 15–23 by virtue of their dependency). Ex. 1001, 8:11–17, 9:25–34 (emphases added).

Petitioner asserts that, to the extent that this disputed limitation is not disclosed by Menard, Tazumi discloses the claim limitation. Pet. 61–63, 69. According to Petitioner, Tazumi describes transmitting *failure information* that includes a *failure code* representing a self-diagnosis made by Tazumi’s CPU 14 and a *state code* that contains information about the operating state of the automatic door when a door failure is detected. *Id.* at 62 (citing Ex. 1007, 8:63–65, 9:3–16, Fig. 5). Petitioner alleges that an ordinarily skilled artisan would have been “motivated to use the ‘failure code’ and ‘state code’ (and its multiple operating states) of Tazumi to report obstruction information as discussed by Menard.” *Id.* at 62–63 (citing

Ex. 1003 ¶ 25; Ex. 1007, 8:63–65; Ex. 1008 ¶ 161). Petitioner further contends that such an artisan would have incorporated “Tazumi’s operating states (*e.g.*, failure code and state code) into Menard’s status condition signal because Menard discloses transmitting ‘position information, or any other information.’” *Id.* Petitioner asserts that one with ordinary skill in the art “would have been motivated to combine the teachings of Menard and Tazumi because they are in the same field, address the same problem of monitoring and reporting door status, and utilize the same types of components to address that problem.” *Id.* at 63 n.7.

Patent Owner counters that Petitioner “fails to explain how either the failure code or the state code of Tazumi represents a ‘present operational status condition’ of the alleged controller from Tazumi (asserted as being CPU 14).” Prelim. Resp. 47–51. Patent Owner also alleges that Petitioner fails to provide a sufficient reason why an ordinarily skilled artisan would have combined Menard and Tazumi in the manner suggested. *Id.* at 41–44. We agree with Patent Owner’s arguments.

In particular, we are not persuaded by Petitioner’s contention that an ordinarily skilled artisan would have been “motivated to use the ‘failure code’ and ‘state code’ (and its multiple operating states) of Tazumi *to report obstruction information* as discussed by Menard.” *See* Pet. 62–63 (emphasis added); Ex. 1008 ¶ 161. Petitioner’s contention rests on the premise that Tazumi’s CPU 14 would generate a failure code or state code when there is an object (*e.g.*, a human) at the doorway. Unlike Menard, however, Tazumi

treats an obstruction as a *normal* situation to open the door automatically, *not a failure* of a system part.

Notably, Menard describes a residential garage door opener programmed to open or close the garage door when a user (e.g., a car driver or homeowner) sends an open or close command from a remote control transmitter. Ex. 1003 ¶¶ 2–8, 21–22, Figs. 1–2. The passage of Menard relied upon by Petitioner, in its proposed combination, teaches that, if a sensor detects an object in the travel path of the garage door, the system would request that the obstruction be cleared. *Id.* ¶ 25.

In contrast, Tazumi discloses a plurality of automatic door systems in a building, each of which, in a normal situation, opens the door automatically when a sensor detects an object (e.g., a person), and closes the door automatically when no object is detected. Ex. 1007, 5:60–6:4, 7:46–50, Fig. 3. Significantly, Tazumi does not treat the obstruction as a *failure*, but rather as a *normal event* that triggers the door to open automatically. *Id.* As Tazumi explains, CPU 14 generates the failure information and transmits a failure code and a state code *only when a failure is detected* (e.g., a breakage of the belt or a malfunctioned sensor). *Id.* at 6:37–45, 7:28–9:16, Fig. 3. Nothing in Tazumi suggests that CPU 14 would generate failure information that includes a failure code or state code to report obstruction information, let alone transmits failure and state codes that include information about the operating state of the automatic door, as alleged by Petitioner. *Id.*

Moreover, as Patent Owner notes, Menard already reports obstruction information by sending a request that the obstruction be cleared.⁵ Prelim. Resp. 43; Ex. 1003 ¶ 25. Petitioner does not articulate, nor can we discern, a benefit or sufficient reason for using Tazumi’s failure code and state code with Menard’s system, as proposed by Petitioner, for reporting obstruction information (Pet. 62–63). *See In re Nuvasive*, 842 F.3d 1376, 1382 (Fed. Cir. 2016) (requiring an articulated reason why the additional information would benefit an ordinarily skilled artisan in an obviousness determination). As shown in Figure 5 of Tazumi, the failure code indicates the identification of a failure. Ex. 1007, 7:31–8:3, 9:3–4, Fig. 5. The state code contains information about the operating state of the automatic door when the detected failure occurs. *Id.* at 9:4–16. According to Tazumi, the maintenance station can “determine the malfunctioning door system parts from the received failure code,” and “determine how to service the door” using the state code. *Id.* However, Menard does not have a maintenance station, nor is it concerned with the problem of servicing a malfunctioned part when requesting that the obstruction be cleared. More importantly, Petitioner does not articulate why the additional information in Tazumi’s failure code and state code would benefit an ordinarily skilled artisan for sending a request to clear the obstruction as in Menard, or how such an artisan would use that information. *See Nuvasive*, 842 F.3d at 1382.

⁵ As discussed above, Menard’s request does not include a present operational status condition that is defined by at least two operating states.

We also are not persuaded by Petitioner's contention that an ordinarily skilled artisan would have incorporated "Tazumi's operating states (*e.g.*, failure code and state code) into Menard's status condition signal because Menard discloses transmitting 'position information, or any other information.'" Pet. 62–63; Ex. 1008 ¶ 161. Petitioner's contention is conclusory. As discussed above, Petitioner does not establish adequately that Tazumi would generate a failure code or state code for reporting obstruction information. Nor does Petitioner demonstrate sufficiently that Menard discloses a status condition signal that corresponds to a present operational status condition of the controller as required by the challenged claims. Obviousness cannot be established "by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at 418 (quotations and citation omitted).

Furthermore, we are not persuaded by Petitioner's assertion that one with ordinary skill in the art "would have been motivated to combine the teachings of Menard and Tazumi because they are in the same field, address the same problem of monitoring and reporting door status, and utilize the same types of components to address that problem." Pet. 62–63 n. 7; Ex. 1008 ¶ 161. As Patent Owner points out, Petitioner's argument and Mr. Lipoff's testimony conflate *combinability* of the references with a *motivation to combine* the references. Prelim. Resp. 44. Moreover, as discussed above, Menard and Tazumi do not address the same problem of monitoring and reporting door status, as alleged by Petitioner. In fact, the

portion of Menard relied upon by Petitioner is concerned with the problem of requesting the user (e.g., a driver of a car or homeowner) to remove the object in the path of the garage door (Ex. 1003 ¶ 25), whereas Tazumi is concerned with the problem of reporting a malfunctioned part to a maintenance service center (Ex. 1007, 6:37–45, 7:28–9:27, Fig. 3).

In short, Petitioner has not articulated sufficient reasoning with some rational underpinning why one with ordinary skill in the art would have combined the teachings of Menard and Tazumi in a manner to arrive at the subject matter of the challenged claims. *See KSR*, 550 U.S. at 418 (stressing that it is “important to identify a reason that would have prompted [an ordinarily skilled artisan] to combine the elements in the way the claimed new invention does”). In light of the foregoing, we determine that Petitioner fails to demonstrate a reasonable likelihood of prevailing on its assertion that claims 1–6, 9–12, and 14–23 are unpatentable under § 103(a) as obvious over Menard in combination with Tazumi.

III. CONCLUSION

For the foregoing reasons, the information presented in the Petition and evidence in this record do not establish that there is a reasonable likelihood that Petitioner would prevail in challenging claims 1–6, 9–12, and 14–23 of the ’275 patent.

IV. ORDER

Accordingly, it is

ORDERED that the Petition is *denied*, and no trial is instituted.

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